

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Timothy Ray Murns

Docket No. 4:13-MJ-1045-RJ

Petition for Action on Probation

COMES NOW C. Lee Meeks, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Timothy Ray Murns, who, upon an earlier plea of guilty to Driving While Impaired, in violation of N.C.G.S 20-138.1 as assimilated by 18 U.S.C. § 13, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on June 11, 2014, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
2. The defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
3. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until privilege to do so is restored in accordance with law.
5. The defendant shall pay a \$10 special assessment and a \$100 fine.

Since being placed on probation, Murns has been supervised in the Southern District of California (SDCA).

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On July 10, 2014, SDCA U.S. Probation Officer Lauren A. Corcoran contacted the probation officer and accepted transfer of supervision of this case. However, she requested the conditions of probation be modified to indicate drug testing will not exceed submission of more than 4 drug tests per month during the term of supervision, alcohol abstinence, and warrantless search.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. Submit to one drug test within in 15 days of release from imprisonment and at least two periodic drug tests thereafter. Testing requirements will not exceed submission of more than four drug tests per month during the term of supervision, unless otherwise ordered by the court.
2. The defendant shall abstain from the consumption of alcohol.
3. The defendant shall submit your person, property, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

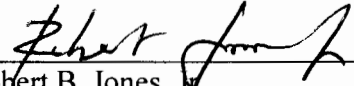
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-347-9038
Executed On: July 11, 2014

ORDER OF COURT

Considered and ordered this 11 day of July, 2014, and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge